

By order dated April 28, 2010, Plaintiff was given until June 18, 2010 to file an amended complaint in accordance with the instructions contained in the memorandum and order of the magistrate judge dated April 6, 2010 (doc. 7). On July 15, 2010, this court adopted the April 7, 2010 report of the magistrate judge and

further ordered Plaintiff to show cause why this action should not be dismissed for failure to comply with the ordered dated April 6, 2010 and April 28, 2010 to file an amended complaint. Plaintiff was given until July 28, 2010 to show cause. As of this date, Plaintiff has not responded.

In the absence of an amended complaint, the court cannot determine whether the action states a claim, whether Plaintiff is entitled to *in forma pauperis* status, nor upon whom service of the complaint can be made. Since Plaintiff is proceeding *pro se*, he is entirely responsible for filing the amended complaint. He has in the past been dilatory in filing the appropriate forms to proceed *in forma pauperis*. He has since April 6, 2010, ignored three orders to file an amended complaint which shows bad faith. While no defendant has been prejudiced because service has not been made, the court is prejudiced by not having a case proceed to adjudication. Plaintiff will be deemed to have abandoned this action. An order of dismissal will be entered.

s/Sylvia H. Rambo
United States District Judge

Dated: August 3, 2010.

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